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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,856	08/07/2001	Craig Edward Hampel	RB1-037USC1	3540

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EXAMINER

PHAN, TRONG Q

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/924,856**

Applicant(s)  
**HAMPEL**

Examiner  
**TRONG PHAN**

Art Unit  
**2818**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 30, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above, claim(s) 1-7 and 38 have been canceled ~~is/are withdrawn from consideration.~~
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-15, 22, 24, 25, 30, 33, and 39-47 is/are rejected.
- 7) ☒ Claim(s) 16-21, 23, 26-29, 31, 32, and 34-37 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

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***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features as recited in claims 15, 28 and 37 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the elected claims 8-37 and 39-47 are directed.

3. The abstract of the disclosure is objected to because it is not clearly indicative of the invention to which the elected claims 8-37 and 39-47 are directed. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 39 is rejected as being a single step (means) claim in accordance with MPEP 2164.08(a).

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A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8-10, 12-15, 22, 24-25, 30, 33 and 41-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, no antecedent basis for "the circuit" (line 2), "the first data" (lines 3-4 and 7), "the first XOR circuit" (lines 5-6) and "the first format" (line 7).

Claim 9, no antecedent basis for "memory" (line 1) and "the first data"

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(lines 1-2).

Claim 10, no antecedent basis for "the memory".

Claim 12, no antecedent basis for "the first data" (lines 2 and 4), "the first format" (line 5) and "the first XOR circuit" (line 6)..

Claim 13, no antecedent basis for "the first format".

Claim 15, no antecedent basis for "the first plurality of XOR circuits" (line 7).

Claim 22, no antecedent basis for "the first inputs of the first plurality of XOR gates" (lines 1-2), "the first data in the first format" (lines 2-3), "the outputs of the first plurality of XOR gates" (lines 3-4), "the first data in a second format to the second circuit" (lines 4-7), "the first inputs of the second plurality of XOR gates" (lines 5-6), "the outputs of the second plurality of XOR gates" (lines 7-8) and "the first data" (line 8).

Claim 24, no antecedent basis for "memory" (lines 1 and 3) and "the first data" (line 2).

Claim 25, no antecedent basis for "first data" (line 5), "the first plurality of XOR circuits" (line 9)

Claim 30, no antecedent basis for "second data" (line 3).

Claim 33, no antecedent basis for "first data" (line 4) and "the first plurality of XOR circuits" (lines 6-7).

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Claim 41, no antecedent basis for "the first data" (lines 2 and 4) and "the reformatted data" (line 7).

Claim 42, no antecedent basis for "the reformatted data" (line 1), "uncomplemented first data" (line 2) and "complemented first data" (line 3).

Claim 43, no antecedent basis for "the stored data" (line 2), "the data" (line 3) and "the bus interface" (line 3).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 8-14 and 39-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Weng et al., 4,397,022.

Weng et al., 4,397,022, discloses in Fig. 2 an apparatus comprising:  
a first exclusive-OR gate 125d having a first input coupled to pin 2 of flip-flop 110b, a second input coupled to selective output periodic signals of burst counter 35 (see lines 17-18, column 5) through multiplexer MUX 40 and exclusive-OR 125f, and an output being shifted from pins 4-7;

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a second exclusive-OR gate 125e having a first input coupled to the output of the first exclusive-OR gate 125d at pin 7, a second input coupled to selective output periodic signals of burst counter 35 (see lines 17-18, column 5) through multiplexer MUX 40 and exclusive-OR 125f, and an output coupled to pin 11.

***Allowable Subject Matter***

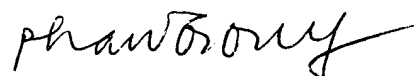
9. Claims 16-21, 23, 26-29, 31-32 and 34-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maeno, 5,592,424, and Chu et al., 5,950,233.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRONG PHAN whose telephone number is (703) 308-4870 and email address is trong.phan@uspto.gov



**TRONG PHAN  
PRIMARY EXAMINER**

April 8, 2002